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2 IN THE UNITED STATES DISTRICT COURT

3 FOR THE CENTRAL DISTRICT OF UTAH

4 OL PRIVATE COUNSEL, ) 30(b)(6) Deposition of  
5 LLC, a Utah limited )  
liability company, ) OL Private Counsel, LLC

6 ) through:

Plaintiff, )

7 ) Thomas Olson

vs. )

8 ) Civil No. 2:21-CV-00455-DBB

9 EPHRAIM OLSON, an )

individual, )

Judge David Barlow

10 ) Magistrate Daphne A. Oberg

11 Defendants. )

12  
13  
14  
15  
16 February 15, 2023 \* 9:00 a.m.

17  
18 Location: Fabian VanCott

19 95 South State Street, Suite 2300

20 Salt Lake City, Utah 84111

21  
22  
23 Reporter: Diana Kent, RPR, CRR

24 Notary Public in and for the State of Utah

25  
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<p>1 Q. Do you know their names?</p> <p>2 A. No, I don't know the name of the person or</p> <p>3 persons who assembled this information for me.</p> <p>4 Q. Okay. Do you know the source material for</p> <p>5 the columns?</p> <p>6 A. This would have been -- it would have been</p> <p>7 off the computer record, but I'm not sure exactly what</p> <p>8 portion of the computer record would have this.</p> <p>9 Q. Okay. If you could turn to the last page.</p> <p>10 Just above the mid-point of the document you see an</p> <p>11 entry for OL Private Counsel Ephraim Olson. Do you see</p> <p>12 that?</p> <p>13 A. I see that.</p> <p>14 Q. Okay. And this document purports to</p> <p>15 represent that his access to the server started prior</p> <p>16 to January 1, 2018. Do you see that?</p> <p>17 A. I see that.</p> <p>18 Q. Do you know the date that that access</p> <p>19 started?</p> <p>20 A. I think I mentioned earlier, I don't know</p> <p>21 when he first got access to the servers.</p> <p>22 Q. Okay. And it says that the access to the</p> <p>23 server ended on September 1, 2019. Do you see that?</p> <p>24 A. I see that.</p> <p>25 Q. Where did that date come from?</p> <p style="text-align: right;">Page 70</p>	<p>1 documents which would support the information in the</p> <p>2 last column of this table?</p> <p>3 A. There would be some kind of computer</p> <p>4 record, I assume, that would show that. I'm assuming</p> <p>5 that.</p> <p>6 Q. Okay. The allegations in this case,</p> <p>7 Mr. Olson, and I am paraphrasing here, I realize this</p> <p>8 will not be correct, but are generally that Ephraim</p> <p>9 Olson improperly obtained access to OLPC's private</p> <p>10 confidential information. Is that your understanding</p> <p>11 of the general nature of this lawsuit?</p> <p>12 MR. JORDAN: Objection. Misstates the</p> <p>13 pleadings.</p> <p>14 A. Got access to documents, yes. He got</p> <p>15 access to documents to which he wasn't entitled to get.</p> <p>16 Q. Okay. Let's go through those documents.</p> <p>17 (EXHIBIT 12 WAS MARKED.)</p> <p>18 Q. Mr. Olson, do you recognize this document?</p> <p>19 A. I do recognize the document, yes.</p> <p>20 Q. What is it?</p> <p>21 A. It looks like it's a summary of trusts</p> <p>22 with some information, well, it speaks for itself, but</p> <p>23 summarizing information about the trust.</p> <p>24 Q. Who created this document?</p> <p>25 A. It would have been created by one of the</p> <p style="text-align: right;">Page 72</p>
<p>1 A. It came from the computer logs, I assume,</p> <p>2 that they gathered, whatever computer records they had</p> <p>3 to gather to demonstrate this.</p> <p>4 Q. So you think there are documents that back</p> <p>5 up this table?</p> <p>6 A. I assume there's some kind of a computer</p> <p>7 log that shows that.</p> <p>8 Q. Okay. And then it says he had access to</p> <p>9 client files on matters for which the individual was</p> <p>10 performing those services. Do you see that?</p> <p>11 A. I see that.</p> <p>12 Q. It says that for everyone; is that correct?</p> <p>13 A. Right.</p> <p>14 Q. Okay. Where does that information come</p> <p>15 from?</p> <p>16 A. That would be on some kind of a computer</p> <p>17 record that showed accesses to -- showing that -- that</p> <p>18 phrase refers to, as I -- I can't say. Those are not</p> <p>19 my words, so I believe it just means -- I'm</p> <p>20 speculating.</p> <p>21 Q. Do you know whose words they are?</p> <p>22 A. That would either be the words that come</p> <p>23 off the computer, or the words that some IT person</p> <p>24 would have put in there.</p> <p>25 Q. Okay. So again, you think that there are</p> <p style="text-align: right;">Page 71</p>	<p>1 lawyers.</p> <p>2 Q. For which entity?</p> <p>3 A. Well, one of the lawyers for the firm</p> <p>4 would have summarized this for all of the trusts.</p> <p>5 Q. And what firm are you talking about?</p> <p>6 A. Well, this would have probably been done</p> <p>7 in ITCL, but it could have been prepared somewhere</p> <p>8 else. But probably ITCL.</p> <p>9 Q. Okay. Do you know when it was created?</p> <p>10 A. I don't know the date it was created.</p> <p>11 Q. Was it created for OLPC?</p> <p>12 A. It was created for use by any lawyers that</p> <p>13 had need to look at this information.</p> <p>14 Q. And who did those lawyers -- what entity</p> <p>15 did those lawyers work for?</p> <p>16 A. They could have worked for or could have</p> <p>17 been contractors with OLPTE, ICL, they could have been</p> <p>18 any of the contractors that had a need to go through</p> <p>19 this particular information on a client, on a trust.</p> <p>20 Q. Does this document -- to which client does</p> <p>21 this document refer, the individual or the -- yeah, to</p> <p>22 which client does this document refer?</p> <p>23 A. Sorry?</p> <p>24 Q. Does this document refer to a specific</p> <p>25 client of OLPCCIL?</p> <p style="text-align: right;">Page 73</p>

<p>1 A. It refers to information that OLPCCIL had 2 in its possession on behalf of several different 3 clients.</p> <p>4 Q. And who are those clients?</p> <p>5 A. Well, the Olson estate trust would have 6 been -- that document would have been in the possession 7 from when the trust was first settled. The trustee, I 8 believe at the time, was -- I don't recall who the 9 trustee was at the time this document was produced.</p> <p>10 White Buffalo Trust was first received 11 when Bruce Lemons settled the trust. And the law firm 12 continued and continues to represent the trustees of 13 the trust, as well as at times a protector.</p> <p>14 Carolyn Olson Spousal Trust was first 15 obtained when I settled the trust.</p> <p>16 Waterland Trust was obtained when Bruce 17 Lemons first settled that trust.</p> <p>18 Thomas H. Olson Trust was obtained when 19 Thomas and Carolyn first settled the trust.</p> <p>20 Olson Manitoba Conservation Trust was 21 obtained when Jack Hardy Olson first settled the trust.</p> <p>22 William Bell Hardy Trust was obtained when 23 Marlene Olson first settled the trust.</p> <p>24 Ruth Doxey Family Trust was first obtained 25 when Ruth Doxey settled the trust.</p> <p style="text-align: right;">Page 74</p>	<p>1 A. No. They were given the option. OL, LLP 2 was winding down. Some clients requested to stay with 3 OL, LLP. The rest had transferred over, agreed to 4 transfer over.</p> <p>5 Q. I thought you said Olson Lemons was winding 6 down.</p> <p>7 A. Yes.</p> <p>8 Q. So who requested to stay with the company 9 that was winding down?</p> <p>10 A. Clients -- there were some clients that 11 had a short-term relationship -- they did not perceive 12 to have a longer term relationship, so they were happy 13 to stay with Olson Lemons as it wound down.</p> <p>14 Q. Okay. What corporate entity maintains 15 possession of this document?</p> <p>16 A. Those were all kept by OLPCCIL.</p> <p>17 Q. Okay. Is this a document that OLPC 18 alleges Ephraim Olson improperly obtained from the 19 server?</p> <p>20 A. Yes.</p> <p>21 Q. Does OLPC have any evidence to support the 22 claim that Ephraim Olson obtained this document from 23 the server?</p> <p>24 A. Yes.</p> <p>25 Q. What is that evidence?</p> <p style="text-align: right;">Page 76</p>
<p>1 And the George Whitehead Family Trust was 2 first obtained when Marlene Olson first settled the 3 trust.</p> <p>4 Q. And you are using the phrase "obtained." 5 Do you mean that OLPCCIL obtained the client when the 6 trust was first settled?</p> <p>7 A. That's correct. When these settlors 8 settled the trust, we represented the settlor when the 9 settlor first settled these trusts.</p> <p>10 Q. Were some of these trusts settled before 11 OLPCCIL was created?</p> <p>12 A. Yes. Olson Lemons.</p> <p>13 Q. What is OLPC Lemons?</p> <p>14 A. Olson Lemons was a law firm in Calgary, 15 Olson Lemons, LLP.</p> <p>16 Q. Okay. And what is the relationship 17 between Olson Lemons, LLP and OLPCCIL?</p> <p>18 A. They were two law firms in which I was 19 involved. There was no other sort of contractual 20 relation between them OL, LLP. The clients, unless 21 they requested to stay, transferred over to OLPCCIL.</p> <p>22 Q. And when did that transfer happen?</p> <p>23 A. I believe it was in 2010.</p> <p>24 Q. And was that documented in any way? Were 25 the clients requested to go to OLPCCIL?</p> <p style="text-align: right;">Page 75</p>	<p>1 A. He obtained it and it was obtained, as I 2 understand, when a former employee was able to get into 3 the system, get access to this document, and forward it 4 to Ephraim.</p> <p>5 Q. And is that former employee Tim A.?</p> <p>6 A. Yes. Ti Akarapanich. That's correct.</p> <p>7 Q. Does OLPC have any evidence that Ephraim 8 Olson has shared this document with anyone but his 9 lawyers?</p> <p>10 A. I don't recall if this was on the e-mail 11 sent to Patricia. As I sit here, I don't recall if 12 this was on an e-mail sent to Patricia.</p> <p>13 Q. If it was not on an e-mail sent to 14 Patricia, does OLPC have any evidence that he shared 15 this with anyone but his own personal lawyers?</p> <p>16 A. As I sit here, not that I'm aware of.</p> <p>17 Q. Okay. What is the damage to OLPC from 18 Ephraim's possession of this document?</p> <p>19 A. This is a document we would view as a 20 confidential document held on behalf of the persons who 21 entrusted us with the document. And the ability of 22 OLPC -- OLPC has reputational damage, obviously, if it 23 can't keep confidential information entrusted to it, 24 because it reflects on the entire law firm, including 25 OLPCCIL.</p> <p style="text-align: right;">Page 77</p>

<p>1 Q. Does Ephraim's possession of this document 2 prevent OLPC from taking any actions related to this 3 document; like can you amend it, can you draft it? 4 A. Can OLPC amend this document? 5 Q. Yes. The native. The original. 6 A. Can someone at OLPC physically amend the 7 document? 8 Q. Yes. 9 A. If they were authorized and had access to 10 it. 11 Q. Okay. 12 (EXHIBIT 13 WAS MARKED.) 13 Q. What is this document, Mr. Olson? 14 A. Carolyn Olson Spousal Trust. 15 Q. Who created this document? 16 A. I don't know who physically created the 17 document, but this was my trust, it was prepared on my 18 behalf. 19 Q. Okay. When was it created? 20 A. The actual date of creation, I don't know 21 that. The trust was effective as of February 2, 2000. 22 Q. Okay. And was it created for OLPC? 23 A. This document was -- when you say "created 24 for OLPC," I don't understand the question. It was 25 created for me.</p> <p style="text-align: right;">Page 78</p>	<p>1 A. Proof? I'm not sure what you mean by 2 "proof," but my understanding is that it requested Tim 3 Akarapanich found a way to get around the system and 4 get into the server and download this document, which 5 he then passed on to Ephraim. 6 Q. Okay. What is the damage to OLPC's 7 clients for Ephraim having possession of this document? 8 A. Again, it goes to the point that we have 9 an obligation to protect confidential information of 10 our clients. And when we fail to do that, that has an 11 impact on our trustworthiness and our credibility. 12 Q. Does Ephraim's possession of this document 13 preclude OLPC, OLPCIL, or its clients from exercising 14 any control over the trust? 15 A. Can you repeat the question? 16 Q. Yes. Does Ephraim's possession of this 17 document preclude OLPC, OLPCIL, or the client from 18 exercising any control over the trust? 19 A. No. 20 Q. What is the proof that OLPC has that 21 Ephraim Olson shared this document with anyone but his 22 personal lawyers? 23 A. Because this trust document shows up in 24 Carolyn's counter-petition, as I recall. And I believe 25 this may or may not have been listed in the --</p> <p style="text-align: right;">Page 80</p>
<p>1 Q. For you as an individual? 2 A. As the grantor, yes. 3 Q. Who was the client that this document 4 belongs to? 5 A. Well, this was -- this document was 6 created for me. This document belongs to me because I 7 was the grantor and asked it be created. 8 Q. What is the entity that represents you? 9 A. The entity that represents me is OLPCIL, 10 and any other entity that performs services on my 11 behalf. 12 Q. And do you have an engagement agreement 13 with OLPCIL? 14 A. A written agreement? A written engagement 15 agreement? 16 Q. Yes. 17 A. No. Not that I recall. 18 Q. Okay. What corporate entity maintains 19 possession of this document? 20 A. OLPCIL. 21 Q. Is this one of the documents that OLPC 22 alleges Ephraim improperly took from the server? 23 A. Yes. 24 Q. What is the proof that Ephraim obtained 25 this document from the OLPCIL server?</p> <p style="text-align: right;">Page 79</p>	<p>1 somewhere in the Mareva injunction or some other 2 lawsuit. 3 Q. So the only proof is that it potentially 4 came up in your divorce proceeding; is that right? 5 MR. JORDAN: Objection. Misstates his 6 testimony. 7 A. I think it has appeared in multiple 8 lawsuits. 9 Q. Okay. But what is the proof that Ephraim 10 is the individual that provided that document? 11 A. That's an ongoing investigation. 12 Q. Okay. 13 (EXHIBIT 14 WAS MARKED.) 14 Q. What is this document? 15 A. It's a trust deed. 16 Q. Who created this document? 17 A. I don't know the lawyer that prepared the 18 document, but it was prepared for Bruce Lemons as a 19 client. 20 Q. Okay. So this document belongs to Bruce 21 Lemons? 22 A. This document was prepared for Bruce 23 Lemons, that's correct. 24 Q. What corporate entity maintains possession 25 of this document?</p> <p style="text-align: right;">Page 81</p>

<p>1 A. OLPCIL.</p> <p>2 Q. Did Bruce Lemons sign an engagement</p> <p>3 agreement for the representation of OLPCIL?</p> <p>4 A. I am not -- I do not recall whether he</p> <p>5 signed a written engagement agreement.</p> <p>6 Q. Okay. Is this a document that OLPC</p> <p>7 alleges Ephraim improperly obtained from the server?</p> <p>8 A. I just want to make sure which one this</p> <p>9 is, sorry.</p> <p>10 Yes.</p> <p>11 Q. Okay. And is the only proof that OLPC has</p> <p>12 of that, the fact that Ephraim got this from Tim A.?</p> <p>13 MR. JORDAN: Tim A. is Akarapanich?</p> <p>14 MS. VAUGHN: Yes. I just don't feel like</p> <p>15 butchering his name every time, so I'm just saying "Tim</p> <p>16 A."</p> <p>17 A. No. This document shows up in several</p> <p>18 pieces of litigation.</p> <p>19 Q. (By Ms. Vaughn) Okay. But what is the</p> <p>20 proof that Ephraim obtained this from the server?</p> <p>21 A. Because Tim Akarapanich got into our</p> <p>22 server and was able to retrieve the document, and then</p> <p>23 downloaded it and sent it to Ephraim.</p> <p>24 Q. Okay. Does Ephraim's possession of this</p> <p>25 document prevent OLPC, OLPCIL, or its clients, from</p> <p style="text-align: right;">Page 82</p>	<p>1 question. You're saying if he physically had this in</p> <p>2 his hands --</p> <p>3 Q. Yes.</p> <p>4 A. -- and it went nowhere else does that stop</p> <p>5 OLPCCI from taking instructions on dealing with the</p> <p>6 trust instrument? Is that what you're saying? I</p> <p>7 didn't understand.</p> <p>8 Q. Yes.</p> <p>9 A. That's what you're saying?</p> <p>10 Q. Yes.</p> <p>11 A. No.</p> <p>12 Q. Okay.</p> <p>13 (EXHIBIT 15 WAS MARKED.)</p> <p>14 Q. Is this another document that OLPC alleges</p> <p>15 Ephraim obtained from the server?</p> <p>16 A. Yes.</p> <p>17 Q. Who is the corporate entity that maintains</p> <p>18 possession of this document?</p> <p>19 A. OLPCIL.</p> <p>20 Q. Who is the client to which this document</p> <p>21 belongs?</p> <p>22 A. Well, this document originally belonged to</p> <p>23 me and to Carolyn as settlors of the trust, and was</p> <p>24 subsequently used by the trustee of the trust.</p> <p>25 Q. Do you know who the current trustee is?</p> <p style="text-align: right;">Page 84</p>
<p>1 taking any actions respective to the trust?</p> <p>2 A. At any time? What time frame are you</p> <p>3 talking about?</p> <p>4 Q. Any time post Ephraim's possession of this</p> <p>5 document. Any time post 2020.</p> <p>6 A. Yes. I believe that when Buffalo Trust</p> <p>7 was listed in the Mareva injunction.</p> <p>8 Q. Well, the prevention of acting on that</p> <p>9 trust is related to the Mareva injunction, not purely</p> <p>10 Ephraim's possession, correct?</p> <p>11 MR. JORDAN: Objection. Argumentative.</p> <p>12 A. Neither the law firm nor the trustee nor</p> <p>13 the protector I think was able to deal with aspects of</p> <p>14 this trust as a result of the Mareva injunction.</p> <p>15 Q. Okay. And that is what prevented</p> <p>16 amendments to the trust or any actions under the trust,</p> <p>17 is the Mareva injunction?</p> <p>18 A. Well, the Mareva injunction prevented the</p> <p>19 trustee or anyone from doing anything with respect to</p> <p>20 certain aspects of the operation of the trust. That's</p> <p>21 what you're asking?</p> <p>22 Q. I'm asking if Ephraim's possession of the</p> <p>23 document prevents someone, disregarding the Mareva</p> <p>24 injunction, from taking action under the trust.</p> <p>25 A. Are you saying -- I don't understand</p> <p style="text-align: right;">Page 83</p>	<p>1 A. Current trustee is Hyrum Olson.</p> <p>2 That's H-Y-R-U-M.</p> <p>3 Q. Besides the fact that Ephraim obtained</p> <p>4 this document from Tim A., is there any evidence that</p> <p>5 it came from the server?</p> <p>6 A. Tim Akarapanich identified that he went</p> <p>7 into the server, retrieved this document, downloaded</p> <p>8 it, and sent it to Ephraim.</p> <p>9 Q. Where did he identify that?</p> <p>10 A. Where did he identify that?</p> <p>11 Q. Yes.</p> <p>12 A. He told me that. He told others that,</p> <p>13 too. May I look at his declaration or is that not</p> <p>14 necessary? Yeah, he told me that, so that's how I</p> <p>15 know.</p> <p>16 (EXHIBIT 16 WAS MARKED.)</p> <p>17 Q. Is this another document that OLPC alleges</p> <p>18 Ephraim improperly obtained from the server?</p> <p>19 A. Yes.</p> <p>20 Q. And besides obtaining it from Tim A., and</p> <p>21 Tim A.'s representation to you, is there any proof that</p> <p>22 this came from the server?</p> <p>23 A. Not that I'm aware of as I sit here.</p> <p>24 Q. Who is the corporate entity that holds</p> <p>25 this document?</p> <p style="text-align: right;">Page 85</p>

<p>1 (EXHIBIT 20 WAS MARKED.)</p> <p>2 Q. Is this another document that OLPC alleges</p> <p>3 came from the server?</p> <p>4 A. Yes.</p> <p>5 Q. Beyond Tim A.'s representation and the</p> <p>6 ongoing investigation, sitting here today what evidence</p> <p>7 do you have that this came from the server?</p> <p>8 A. If this information had been had by</p> <p>9 Ephraim otherwise, there would have been no reason to</p> <p>10 request it.</p> <p>11 Q. Who is the client that this document</p> <p>12 belongs to?</p> <p>13 A. This was in the possession on behalf of</p> <p>14 the settlor, who was Jack Hardy Olson.</p> <p>15 Q. Who is the corporate entity that holds</p> <p>16 this document?</p> <p>17 A. OLPCIL.</p> <p>18 Q. And what is the proof that Ephraim</p> <p>19 provided this document to anyone but his personal</p> <p>20 lawyers?</p> <p>21 A. I believe this shows up in a number of</p> <p>22 lawsuits.</p> <p>23 Q. What are those lawsuits again?</p> <p>24 A. Well, there's the matrimonial matter.</p> <p>25 There are Mareva injunctions and several matters in</p> <p style="text-align: right;">Page 98</p>	<p>1 years ago. I don't recall when.</p> <p>2 Q. And who is the client to which the Carolyn</p> <p>3 Olson Spousal Trust belongs?</p> <p>4 A. Who is -- sorry, what's the question?</p> <p>5 Q. Who is the OLPCIL client to which the</p> <p>6 Carolyn Olson Spousal Trust belongs?</p> <p>7 A. Well, Carolyn Olson Spousal Trust was</p> <p>8 settled by me, so I obtained it in my capacity as the</p> <p>9 settlor.</p> <p>10 Let's pull it up here.</p> <p>11 MR. JORDAN: 13.</p> <p>12 A. And we did represent my father, Jack Olson,</p> <p>13 as trustee in that trust for some period of time. For</p> <p>14 the entire time he was the trustee.</p> <p>15 Q. Okay.</p> <p>16 (EXHIBIT 21 WAS MARKED.)</p> <p>17 Q. I understand it's now noon, but we are</p> <p>18 almost to the end of this category of documents so I'd</p> <p>19 like to just push through if you are okay with that,</p> <p>20 Mr. Olson.</p> <p>21 MR. JORDAN: That's fine.</p> <p>22 A. I am fine.</p> <p>23 Q. Is this another document that OLPC alleges</p> <p>24 came from the server?</p> <p>25 A. Number 21?</p> <p style="text-align: right;">Page 100</p>
<p>1 Alberta. And Ephraim informed -- he had, two days ago</p> <p>2 -- apparently there are other matters pending that may</p> <p>3 or may not include this.</p> <p>4 Q. But you don't know that?</p> <p>5 A. I don't know what's in those matters.</p> <p>6 Q. Okay. And the matters that these</p> <p>7 documents were used in, those are all cases in which</p> <p>8 you are personally named, correct?</p> <p>9 A. Well, I and perhaps others.</p> <p>10 Q. But are you personally named?</p> <p>11 A. I am one of the persons named, yes.</p> <p>12 Q. Okay. Is OL Private Counsel, OLPC, the</p> <p>13 plaintiff in this lawsuit, named in those other</p> <p>14 actions?</p> <p>15 A. I don't recall.</p> <p>16 Q. Okay. I want to just double back. We</p> <p>17 looked at the Carolyn Olson Spousal Trust, Exhibit 13,</p> <p>18 I believe. Yeah, 13. Is Ephraim Olson the current</p> <p>19 trustee of the Carolyn Olson Spousal Trust?</p> <p>20 A. As far as I know.</p> <p>21 Q. Okay. Does OLPCIL currently represent</p> <p>22 the Carolyn Olson Spousal Trust?</p> <p>23 A. No.</p> <p>24 Q. When did that representation end?</p> <p>25 A. I don't know. It would have been some</p> <p style="text-align: right;">Page 99</p>	<p>1 Q. Yes.</p> <p>2 A. Yes.</p> <p>3 Q. And besides Tim A.'s representation and</p> <p>4 the ongoing investigation, sitting here today what</p> <p>5 proof do you have that this came from the server?</p> <p>6 A. Because there was no reason for this to be</p> <p>7 outside otherwise. And it was sent to Ephraim and</p> <p>8 Carolyn, and so the only -- so what other proof? I</p> <p>9 don't have any other proof other than that. Other than</p> <p>10 any other ongoing analysis that maybe somebody is</p> <p>11 doing.</p> <p>12 Q. And what is the corporate entity that</p> <p>13 holds this document.</p> <p>14 A. OL Private Counsel International, limited.</p> <p>15 Q. Okay. Who is the current trustee of this</p> <p>16 trust?</p> <p>17 A. Hyrum Olson.</p> <p>18 Q. Okay.</p> <p>19 (EXHIBIT 22 WAS MARKED.)</p> <p>20 Q. Is this another document that OLPC alleges</p> <p>21 came from the server?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Besides Tim A.'s representation,</p> <p>24 what is the support for that statement?</p> <p>25 A. Prior to the ongoing investigation, this</p> <p style="text-align: right;">Page 101</p>



<p>1 document would not have been kept in any type of paper 2 form and would only have been available by going into 3 the serve ever and retrieving it. 4 Q. What is this document? 5 A. This appears to be a director's resolution 6 of OL Private Counsel PTE, LTD., and a further document 7 appointing auditors. 8 Q. Why were the auditors appointed? 9 A. Because auditors are required. At the 10 time auditors were required, I believe, to -- let me 11 just see if we waived them or if they are still 12 required. So we appointed auditors under Singapore 13 law. 14 Q. Okay. Is this a document that's ever 15 filed with a government agency? 16 A. Not to my knowledge. Lawyers would know, 17 but I don't believe so. I believe this is just kept in 18 the corporate head offices. 19 Q. Was it ever subject to inspection by a 20 government agency? 21 A. Well, I don't know if -- I don't know if 22 this document could be. It's possible. But I don't 23 know that it could be. I'm not aware. 24 Q. Okay. What makes this document 25 confidential?</p> <p style="text-align: right;">Page 102</p>	<p>1 Q. Okay. And what is the evidence that 2 Ephraim has shared this document with anyone? 3 A. Much information contained in various 4 lawsuits and this document. There may or may not have 5 been information on this document that was put into 6 those lawsuits. 7 Q. Okay. 8 A. Or given to counsel in preparation for the 9 lawsuits. 10 Q. Okay. The besides the OLPC PTE, the two 11 documents we just went over, and disregarding the 12 Mareva injunction, does Ephraim's possession of the 13 trust documents prevent the trustees or OLPC from 14 taking any actions respective to the trust? 15 A. I don't think I understand the question. 16 When say -- you're asking if the law firm could take 17 any action with respect to the trust. I'm not sure 18 what you are referring to, "any action." 19 Q. Does Ephraim's possession of just a copy 20 of a trust document prevent anyone from taking actions 21 respective to the trust? 22 MR. JORDAN: You want him to exclude the 23 Mareva injunction? 24 MS. VAUGHN: Yes. 25 A. "Taking actions" meaning what?</p> <p style="text-align: right;">Page 104</p>
<p>1 A. Because it's a resolution of a private 2 corporation. It's not a public document. 3 Q. That makes it private. What makes it 4 confidential? 5 MR. JORDAN: Objection. 6 Q. What in here is confidential information? 7 MR. JORDAN: Objection. Ambiguous. 8 A. Any activities of a corporation, a private 9 corporation, are confidential. They are not for public 10 distribution. 11 Q. And OL Private Counsel PTE's corporate 12 documents are stored on the OLPCIL server? 13 A. They are. 14 (EXHIBIT 23 WAS MARKED.) 15 Q. Is this another document that OLPC alleges 16 Ephraim obtained from the server? 17 A. Yes. 18 Q. And besides Tim A.'s representation and 19 the ongoing investigation, what is the evidence for 20 that? 21 A. No one would have had access to this 22 document other than being on the server, other than 23 perhaps corporate counsel in Singapore. This would not 24 be a document available to anybody else except on the 25 server.</p> <p style="text-align: right;">Page 103</p>	<p>1 Q. Distributing funds, making amendments, any 2 actions that the trust would take. 3 A. No. Not that I can think of. 4 Q. Okay. This is a good breaking point. Why 5 don't we take lunch. 6 (Break taken from 12:09 to 1:23 p.m.) 7 Q. I want to circle back a little bit. You 8 mentioned that the server is accessed via VPN. Is that 9 different from a remote desktop, do you know? 10 MR. JORDAN: Objection. Ambiguous. 11 A. To my understanding a remote desktop is a 12 computer that, to get in the main section of the 13 server, requires a VPN. It's a special connection into 14 the server. 15 Q. Okay. Now the documents we went over 16 before the break, I'm going to call them the trust 17 related documents, I believe you testified that all of 18 them were stored on OLPCIL's server, correct? 19 A. Some portion of the server. That's my 20 understanding. 21 Q. But this lawsuit is being brought on 22 behalf of OLPC, correct? 23 A. Yes. 24 Q. Okay. But the documents belonged to 25 OLPCIL, correct?</p> <p style="text-align: right;">Page 105</p>

<p>1 A. Yeah. The documents belonged to OLPCIL, 2 but OLPC has access to them for its purposes. And all 3 members of OLPC.</p> <p>4 Q. And so wouldn't OLPCIL also have a claim 5 against Ephraim Olson for the alleged improper 6 conversion of these documents?</p> <p>7 MR. JORDAN: Objection. Calls for a legal 8 conclusion.</p> <p>9 A. I don't know that they would have a 10 separate claim, because they didn't employ him. I 11 don't know the answer to that.</p> <p>12 Q. Okay. Does PTE have ownership of any of 13 these documents?</p> <p>14 A. It can have use of the documents for 15 purposes of doing legal work for clients, but it 16 doesn't have -- it doesn't own the documents.</p> <p>17 Q. Okay. Just like OLPC?</p> <p>18 A. Just like OLPC.</p> <p>19 Q. Okay. So wouldn't PTE have the same right 20 to sue Ephraim Olson for the alleged improper 21 conversion of these documents?</p> <p>22 MR. JORDAN: Same objection. Calls for a 23 legal conclusion.</p> <p>24 A. Ephraim Olson was not an employee of Olson 25 Lemons, Private Counsel PTE, LTD.</p> <p style="text-align: right;">Page 106</p>	<p>1 Q. Do you know what that law firm is that he 2 references there?</p> <p>3 A. I don't know what that law firm is.</p> <p>4 Q. Okay. Do you contract with Mr. Daniels or 5 is he a W-2 employee?</p> <p>6 A. We may well contract with him. It's 7 possible. I don't recall.</p> <p>8 Q. Okay. And would you contract with his law 9 firm or with him as an individual?</p> <p>10 A. Again, I don't recall how that would work.</p> <p>11 Q. Are you capable of making that 12 determination at a future date?</p> <p>13 A. I could go back and find some contracts.</p> <p>14 Q. Okay.</p> <p>15 A. Or some pay stubs or something that would 16 give an indication.</p> <p>17 (EXHIBIT 25 WAS MARKED.)</p> <p>18 Q. Mr. Olson, this document has been labeled 19 in OLPC's Responses to Written Discovery as an alleged 20 converted document. This is an e-mail between Tim A. 21 and Joshua Olson, correct?</p> <p>22 A. 6-6-20. Josh Olson's screenshot, yes.</p> <p>23 Q. And then the screenshot is the attachment 24 to the e-mail.</p> <p>25 A. Yes.</p> <p style="text-align: right;">Page 108</p>
<p>1 Q. But OLPC is not just suing Ephraim Olson 2 pursuant to an employment agreement, is it?</p> <p>3 A. It's pursuant to his relationship with the 4 firm as a lawyer.</p> <p>5 Q. Okay. One second. I printed some stuff 6 during the break and I want to grab it.</p> <p>7 (Break taken from 1:26 to 1:27 p.m.)</p> <p>8 Q. During the break I went on to the Utah Bar 9 website and tried to find the Seth you referenced that 10 currently works for OLPC. Tell me if these names sound 11 familiar to you.</p> <p>12 A. I think I remembered. It's Seth Daniels.</p> <p>13 Q. Okay. Great. Let's mark this as Exhibit 14 24.</p> <p>15 (EXHIBIT 24 WAS MARKED.)</p> <p>16 Q. Is that the Seth Daniels that is currently 17 employed at OLPC as a lawyer?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Why does he not tell the Utah State 20 Bar that he works at OLPC?</p> <p>21 MR. JORDAN: Objection. Calls for 22 speculation.</p> <p>23 Q. Do you know why he does not tell the Utah 24 State Bar that he works at OLPC?</p> <p>25 A. I don't know the answer to that.</p> <p style="text-align: right;">Page 107</p>	<p>1 Q. I wanted to understand the allegation. Is 2 the allegation that the e-mail from Tim A. is 3 converted, or just the screenshot?</p> <p>4 MR. JORDAN: What were the two options?</p> <p>5 MS. VAUGHN: The e-mail itself being the 6 converted document.</p> <p>7 MR. JORDAN: Without the attachment?</p> <p>8 MS. VAUGHN: With the attachment. Or is 9 it the attachment that's the converted document.</p> <p>10 A. Well, the attachment is a confidential 11 record. Without the attachment I don't -- I mean, I 12 don't know. I don't know that this would be 13 necessarily a converted document. I don't know that.</p> <p>14 Q. Okay.</p> <p>15 A. But certainly the confidential document is 16 the attachment.</p> <p>17 Q. Okay. And is this a document that OLPC 18 alleges Tim A. improperly obtained from the server?</p> <p>19 A. I believe this is one of them, yes.</p> <p>20 Q. Okay. It's a screenshot of an e-mail, 21 correct?</p> <p>22 A. It looks like some kind of a screenshot, 23 uh-huh (affirmative).</p> <p>24 Q. Okay. What is the proof that Tim A. 25 obtained this document, this e-mail, from the server?</p> <p style="text-align: right;">Page 109</p>